

## REMARKS

The application has been amended to correct the cited informalities and to place the application, as a whole, into a *prima facie* condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as a result of the foregoing amendments. As previously stated, Applicant notes, with appreciation, the Examiner's allowance of Claims 13 through 19 and 23 over the prior art. Further, the Examiner has indicated that claims 6 and 20 through 22 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, and amended to include all of the limitations of the base claim and any intervening claims.

The Examiner has objected to the Abstract based upon the use of the term "said". Applicant has amended the abstract to address the informality cited by the Examiner by deleting the word "said" and inserting the word "the". Accordingly, reconsideration and withdrawal of the Examiner's basis for the objection of the abstract is hereby solicited.

The Examiner has rejected Claims 6 and 20 through 22 under 35 U.S.C. Sec. 112, second paragraph, as purportedly being indefinite for failure to point out and distinctly claim the subject matter which Applicant regards as the invention. In particular:

(1) The Examiner has objected to Claim 6 on the ground that "juxtaposed inside surfaces" (Claim 6, line 2) lacks antecedent. Applicant has amended Claim 6 to depend directly from Claim 4. Applicant has also deleted the phrase "the juxtaposed inside surfaces of said scrubbing element" as well as the phrase "and are further adhered together by an adhesive applied thereto" and has inserted more definite language describing the interaction of an adhesive with the upper and lower surfaces, as well as the use of a staple as an element attachment member.

(2) The Examiner has objected to Claim 20 as being duplicative of Claim 13 lines 16-18. Applicant has withdrawn Claim 20 from consideration be deletion.

(3) The Examiner has objected to Claim 21 on the ground that “folded fibrous material” lacks antecedent. Applicant has amended Claim 21 to be dependant upon Claim 13 rather than 20. In addition, Applicant has further amended Claim 21 by deleting the phrase “the folded fibrous material” inserting instead more definite language.

(4) The Examiner has objected to Claim 22 on the ground that “fastening means” lacks antecedent. Applicant has amended Claim 22 by deleting the words “fastening means” and by inserting the words “element attachment member”, consistent with Applicant’s amendment of Claim 1.

In view of the foregoing, Applicant respectfully submits that the Examiner’s basis of rejection of Claims 6, 20, 21 and 22 under 35 U.S.C. Sec 112, second paragraph, should be deemed overcome. Reconsideration and withdrawal of the Examiner’s bases for rejection of those Claims, and allowance thereof, are respectfully solicited.

The Examiner has rejected Claims 1, 5 and 9 under 35 U.S.C. Sec.102(b) as purportedly being anticipated by Funk, U.S. Patent No.1,857,145. In traversing this objection, Applicant respectfully submits that the cited Funk reference should be deemed to be incapable of teaching or suggesting the patentably distinguishing structure and mode of operation of Applicant’s invention, and Claims 1, 5 and 9 should be deemed patentable thereover.

The Funk reference discloses a one piece device for cleaning the tongue and the interior of the mouth (Column 1, lines 1-3). Unlike Applicant’s device, the Funk device requires a “yielding surface” at the operative end thereof, so as to avoid “injuring the membrane to which it is applied”. (Column 1, lines 12-14).

That non-analogous structure and operability describes a construction that would effectively render Applicant's construction useless -- as incapable of "scrubbing" a toilet bowl with its claimed "scrubbing element".

In contrast, Applicant's invention is a disposable two-piece **toilet bowl scrubbing** implement comprising scrubbing element and a handle -- which are permanently and restrainably attached to each other. Unlike the yielding "swab" of Funk, Applicant's invention is used, for example, for the removal of **human waste and dirt** from a toilet and, since it is disposable, it prevents the transfer of germs from being transmitted to other nearby toiletries, towels, medicines and cleaning supplies. Funk additionally fails to disclose the use of a "straight fold line" required by Claim 1, as amended. Accordingly, the Funk reference neither teaches nor discloses the subject matter of Applicant's invention. In view of the forgoing, Applicant respectfully submits that the rejection of Claim 1 based upon Funk should be deemed overcome. Reconsideration and withdrawal of the Examiner's basis for rejection of that claim, and allowance thereof, are respectfully submitted. Inasmuch as dependant Claims 5 and 9 merely serve to further define the subject matter of Claim 1, which itself should be allowable, reconsideration and withdrawal of the Examiner's basis for rejection of those Claims, and allowance thereof, are likewise respectfully solicited.

The Examiner has rejected Claims 1, 7, 9 and 12 under 35 U.S.C. Sec. 102(b) as purportedly being anticipated by Beck et. al., U.S. Patent No. 2,816,313. In traversing this objection, Applicant respectfully submits that the cited Beck et. al. reference is also incapable of teaching or suggesting the patentably distinguishing structure and mode of operation of Applicant's invention, and that Claims 1, 7, 9 and 12 should be deemed patentable thereover.

Unlike the Funk reference, the Beck et. al. reference is a device for cleaning toilet bowls, -- notably, one which is constructed of two releasably

detachable components. The operative element is in Funk a “cleaning” swab element which is itself removable and disposable from the handle, enabling the handle to be reused -- as element by element is replaced. (Column 1, lines 40-57). The cleaning element is, by itself, ejected into the toilet by, for example, the use of a pull string that is built into the handle and flushed down the toilet. In Applicant’s invention, the scrubbing element is a low-cost device that is restrainably integrated for complete disposal. As amended, Claim 1 requires the scrubbing element to be “permanently and restrainably” attached at the end of the handle by at least one element attachment member. Unlike Beck et. al., the entirety of Applicant’s one-piece toilet bowl cleaning implement is disposable, and certainly, not by flushing a portion of it down the toilet.

Accordingly, the Beck et. al. reference neither teaches nor discloses the subject matter of Applicant’s invention. In view of the forgoing, Applicant respectfully submits that the rejection of Claim 1 based upon Beck et. al. should be deemed overcome. Reconsideration and withdrawal of the Examiner’s basis for rejection of that claim, and allowance thereof, are respectfully solicited. Inasmuch as dependant Claims 7, 9 and 12 merely serve to further define the subject matter of Claim 1, which itself should be allowable, reconsideration and withdrawal of the Examiner’s basis for rejection of those claims, and allowance thereof, are likewise respectfully submitted.

The Examiner has rejected Claims 1, 9 and 10 under 35 U.S.C. 102(b) as purportedly being anticipated by Downey, U.S. patent No, 2,595,776. In traversing the objection, Applicant respectfully submits that the cited Downey reference is likewise incapable of teaching or suggesting the patentably distinguishing structure and mode of operation of Applicant’s invention, and that Claims 1, 9 and 10 should be deemed patentable thereover.

Downey discloses a paper “neck duster” (Column 1, lines 1-3) for use in a barber shop to “dust” off hair from a customer’s body. (Column 1, lines 16-18).

Rather than having an operative scrubbing element as in Applicant's invention, the operative end of this reference is comprised of paper which is cut into several flexible, indeed "yielding", dusting "ribbons" (Column 2, line 13), that are soft and preferably water repellant (Column 2, lines 7-9). In contrast, the operative end of Applicant's invention contains an integrated scrubbing element, formed by a "sheet of scrubbing material" which is intended to scrub toilet bowls, to serve an altogether different purpose -- one that would be profoundly frustrated by the Downey device -- with its yielding, slitted ribbons of water repellant dusting paper.

Accordingly, the Downey reference neither teaches nor discloses the subject matter of Applicant's invention. In view of the foregoing, Applicant respectfully submits that the rejection of Independent Claim 1 based upon Downey should be deemed overcome. Reconsideration and withdrawal of the Examiner's basis for rejection of that claim, and allowance thereof, are respectfully submitted. Inasmuch as dependant Claims 9 and 10 merely serve to further define the subject matter of Claim 1, which itself should be allowable, reconsideration and withdrawal of the Examiner's basis for rejection of those Claims, and allowance thereof, are likewise respectfully solicited.

The Examiner has rejected Claims 1, 5 and 9 under 35 U.S.C. 102(b) as purportedly being anticipated by Piluso, U.S. Patent No. 2,346,782. In traversing this objection, Applicant respectfully submits that the cited Piluso is incapable of teaching or suggesting the patentably distinguishing structure and mode of operation of Applicant's invention, and that Claims 1, 5 and 9 should be deemed patentable thereover.

Particularly, the Piluso reference discloses an applicator or dauber for "applying pasty or liquid masses" of shoe polish (Column 1, lines 1-6) to leather goods. The operative end of the applicator is made of felt or another absorbent material (Page 1, Column 1 lines 15-23) to avoid abrading or otherwise

damaging a shoe. The operative end of Applicant's invention serves the exact opposite purpose, i.e. to remove dirt and waste, usually human waste, by "scrubbing" a toilet bowl, through use of its "scrubbing" element. Applicant's invention is not and could not be used to apply polish to shoes, since it has a scrubbing element, not a polish applying element. Indeed, the use of Applicant's invention on leather shoes could cause severe damage.

Accordingly, the Piluso reference neither teaches nor discloses the subject matter of Applicant's invention. In view of the forgoing, Applicant respectfully submits that the rejection of Claim 1, as amended, based upon Piluso should be deemed overcome. Reconsideration and withdrawal of the Examiner's basis for rejection of that claim, and allowance thereof, are respectfully solicited. Inasmuch as dependant Claims 5 and 9 merely serve to further define the subject matter of Claim 1, which itself should be allowable, reconsideration and withdrawal of the Examiner's basis for rejection of those Claims, and allowance thereof, are likewise respectfully solicited.

The Examiner has rejected Claims 1, 4, 9 through 11 under 35 U.S.C. Sec. 102(b) as being anticipated by Ries, U.S. Patent No. 2,214,972. In traversing this objection, Applicant respectfully submits that the cited Ries reference is likewise incapable of teaching or suggesting the patentably distinguishing structure and mode of operation of Applicant's invention, and that Claims 1, 4 and 9 through 11 should be deemed patentable thereover.

Ries discloses a toilet cleaning device comprising a handle with an operative end. The operative end of the device is in the shape of a "rosette" which is made of "spiral folded" sponge material (Column 1, lines 40-52; Column 2, lines 1-6), rather than comprising at least one fold, along a straight fold line, as disclosed and claimed in Applicant's invention. As such, the operative end of the Ries device would be more difficult to manufacture. Unlike Applicant's invention also, the Ries device is not at all intended to be disposable, since its specification

requires the device itself to be “readily cleaned” and which “cannot become damaged easily”, presumably from use to use. (See Column 1, lines 9-11).

Accordingly, the Ries reference neither teaches nor discloses the subject matter of Applicant’s invention. In view of the forgoing, Applicant respectfully submits that the rejection of Claim 1 based upon Ries should be deemed overcome. Reconsideration and withdrawal of the Examiner’s basis for rejection of that claim, and allowance thereof, are respectfully submitted. Inasmuch as dependant Claims 4, and 9-11 merely serve to further define the subject matter of Claim 1, which itself should be allowable, reconsideration and withdrawal of the Examiner’s bases for rejection of those claims, and allowance thereof, are likewise respectfully solicited.

The Examiner has rejected Claims 2 and 3 under 35 U.S.C. Sec.103(a) as purportedly being unpatentable over Beck et. al. (above) in view of Kleinpell, II et. al. U.S. Patent No. 5,836,041. At the outset, in traversing this basis for objection, Applicant respectfully traverses the Examiner’s combination of the respective references. Further, even is combined, neither Beck et. al. nor Kleinpell, II et. al. teach or disclose the elements required by dependant Claims 2 and 3.

Kleinpell, II et. al., discloses a non-disposable ice scraper that is in the shape of an ice skate (or sleigh) having a straight metal blade, and is not, in any way, intended for scrubbing a curved surface, such as a toilet bowl. The scraper may consist of an elongated handle on which the extremity of which is provided with means for the reception of a scraper blade -- all in a one-piece integrated construction. (Column 1, lines 39-59).

As previously stated, the Beck et. al. reference is a device for cleaning toilet bowls, which is comprised of two pieces, an operative element and a handle. The operative element is a “cleaning” swab element which is itself

removable and disposable, while the handle is reused and not disposable. The cleaning element is, by itself, ejected into the toilet bowl for example, through the use of a pull string that is built into the handle and it is flushed down the toilet.

One must question the motivation and capability of combining a non-disposable single, integrated ice scraper having a sharp straight blade that is incapable of scrubbing a profoundly curved toilet bowl -- with a two-piece toilet bowl swab having only one end of which is disposable -- to render, as obvious, a completely disposable scrubbing element/handle assembly for toilet bowls. Indeed the construction of Kleinpell, II et. al. with Beck et. al. would frustrate the non-analogous purposes and constructions of each.

Worse yet, even combining Kleinpell II et. al. with Beck et. al. the blade in Kleinpell II et. al. would likely yield a device that is inoperable -- regardless of Applicant's handle reinforcement structure. That reinforcement structure (of Claims 2 and 3) remains part of the integrated, fully disposable scrubbing element/handle implement (of Claim 1) -- describing features still missing from the references, even if combined.

Accordingly, Applicant respectfully submits that Claims 2 and 3 patentably distinguish over the cited combination of references. Therefore, reconsideration and withdrawal of the rejection of Claims 2 and 3 are respectfully solicited.

The Examiner has rejected Claim 8 under 35 U.S.C. Sec. 103(a) as being unpatentable over Ries. As previous addressed in detail above, the operative end of the Ries device is in the shape of a "rosette" which is made of folded sponge material (Column 1, lines 40-52; Column 2, lines 1-6). Again, the Ries device is acknowledged as not being of a disposable, use by use, construction. (See Column 1, lines 9-11). Moreover, the cleaning device pad in Ries is not round prior to folding, and again, does not utilize a straight fold line as required by Claim 1, and in turn Claim 8. As such, Claim 8 cannot be deemed obvious.



Applicant respectfully submits that all of the Examiner's bases for objection to and/or rejection of the specification and Claims should be deemed overcome, and that the Application, as a whole, with allowed claims 15 through 19 and 23, together with amended Claims 1 through 14, 21 and 22, is now in a *prima facie* condition for issuance at this time. Reconsideration and passage to allowance of all of the remaining claims, are accordingly, respectfully solicited.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully requested.

Respectfully submitted,  
GREENBERG TRAURIG LLP

Dated: June 8, 2006

  
Richard D. Harris

**CERTIFICATE OF MAILING**

I hereby certify that this AMENDMENT AND COMMUNICATION is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 8, 2006.

  
Richard D. Harris